

### **REMARKS**

Prior to entry of this amendment, claims 1-20 are currently pending in the subject application. Claims 1, 5, 7, 11, 13, 14 and 16 have been amended. Claims 4 and 10 have been canceled. Claim 21 has been added. Claims 1, 7 and 13 are independent. No new matter has been added.

Applicants appreciate the Examiner's acknowledgement of applicants' claim for foreign priority and receipt of a certified copy of the priority document.

Applicants further appreciate the Examiner's consideration of the Information Disclosure Statement filed March 22, 2004.

Applicants request, in the next Office action, that the Examiner indicate the acceptability of the drawings filed on November 3, 2003.

#### **A. Allowable Subject Matter**

In the outstanding Office action, the Examiner objected to claims 4-6, 10-12 and 16-18 as being dependent upon a rejected base claim, but indicated these claims would be allowable if rewritten in dependent form including all of the limitations of the base claim and any intervening claims. All the claims are believed to be in condition for allowance for at least the reasons set forth below.

#### **B. Asserted Rejections of Claims 1-3, 7-9, 13-15 and 19-20**

In the outstanding Office action, the Examiner rejected claims 1 and 7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0146029 to Kavak et al. (hereinafter "the Kavak et al. reference"), rejected claims 2 and 8 under 35 U.S.C. § 103(a) as being unpatentable over the Kavak et al. reference in view of U.S. Patent No. 6,642,894 to Gross et al. (hereinafter "the Gross et al. reference"), rejected claims 3 and 9 under 35 U.S.C. § 103(a)

as being unpatentable over the Kavak et al. reference and the Gross et al. reference in view of U.S. Patent Publication No. 2003/0157897 to Maeda et al. (hereinafter "the Maeda et al. reference"), rejected claims 13-15 under 35 U.S.C. § 103(a) as being unpatentable over the Kavak et al. reference in view of U.S. Patent Publication No. 2003/0114162 to Chheda et al. (hereinafter "the Chheda et al. reference"), rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over the Kavak et al. reference and the Chheda et al. reference in view of the Gross et al. reference, rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over the Kavak et al. reference, the Chheda et al. reference and the Gross et al. reference in view of the Maeda et al. reference.

Claim 1 has been amended to incorporate the limitations of allowable claim 4 therein. Claim 7 has been amended to incorporate the limitations of allowable claim 10 therein. Claim 13 has been amended to delete the recitation of the storage unit and incorporate the orthogonality comparison unit of claim 16 without specific recitations of the code reuse ON signal. It is respectfully submitted that all of the independent claims now contain allowable subject matter, as noted above, thereby obviating all of the above rejections. Therefore, it is respectfully requested that these rejections be withdrawn.

C. Claim 21

Claim 21 has been added to recite the storage unit eliminated from claim 13. No new matter has been added.

D. Conclusion

The remaining documents cited by the Examiner were not relied on to reject the claims. Therefore, no comments concerning these documents are considered necessary at this time.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.



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Respectfully submitted,

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PETITION and  
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.